

UNITED STATES DISTRICT COURT

for the

Southern District of Mississippi

United States of America

v.

Jose Hernandez-Reyes

)

Case No. 1:19mj681-RHW

FILED

Dec 06 2019

ARTHUR JOHNSTON, CLERK



Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 4, 2019 in the county of Jackson in the Southern District of MS, Southern Division, the defendant(s) violated:

Code Section

8 U.S.C. § 1324(a)(1)(A)(ii) & (v)(I)

Offense Description

Conspiracy to Unlawfully Transport or Move an Alien Within the United States

This criminal complaint is based on these facts:

See Affidavit, which is attached hereto and incorporated by reference herein.

Continued on the attached sheet.

Complainant's signature

Danyelle Evans, Special Agent, HSI

Printed name and title

Sworn to before me and signed in my presence.

Date: DEC. 6, 2019

Judge's signature

City and state: Gulfport, MississippiRobert H. Walker, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT

STATE OF MISSISSIPPI)
COUNTY OF HARRISON)
SOUTHERN DISTRICT OF MISSISSIPPI)

I, Danyelle Evans, being duly sworn, depose and state as follows:

1. Your affiant, Danyelle Evans is a Special Agent (SA) of the Department of Homeland Security, Homeland Security Investigations (HSI). SA Evans has received training from the Federal Law Enforcement Training Center in Glynco, Georgia, and is a graduate of Auburn University with a Bachelor of Arts degree majoring in criminal justice. SA Evans has been employed as a Special Agent since 2008 and as such, is responsible for investigations of offenses under Titles 8, 18, 19, and 21 of the United States Code. As part of her duties, SA Evans investigates crimes regarding immigration violations and received training on the proper investigative techniques for these violations, including the application and execution of arrest and search warrants. The following facts are presented as a summary factual basis sufficient to establish probable cause for federal criminal complaints as stated below; but, should not be interpreted as being a presentation of all facts relevant to this investigation.

1. On or about December 4, 2019, in the morning hours, an agent of the South Mississippi Metro Enforcement Team (SMMET), who also is a City of Gautier Police Officer, conducted a traffic stop on a white Dodge Caravan with a New Mexico license plate at or about at or about the 56-mile marker on interstate I-10 eastbound. According to the SMMET agent, the following occurred leading to the traffic stop:

- At or about 0454 hours, the agent was observing traffic from a stationary position in the median at or about mile marker 56. The agent observed the white colored Dodge Caravan minivan approaching his location, which was committing a traffic violation and rapidly changed driving behavior after what appeared to be the driver noticing the agent's marked patrol vehicle. The agent also noticed something obscure that was blocking and/or attempting to hide something in the back window (which later was determined to be a large piece of cardboard). Additionally, when the agent ran the license plate through automated law enforcement systems, the result did not provide any information about the particular vehicle.

3. After making the traffic stop, the agent found that the driver, Modesto Alvarado (a U.S. citizen who speaks fluent English) did not have a valid driver's license. Alvarado told the agent that the front seat passenger (identified as Jose Hernandez Reyes) was his father. It later was determined that the two men actually where brothers-in-law.

4. Including the driver, nine people were in the vehicle, which was more than the vehicle was designed to carry or had seat belts to secure. Through the agent's years of experience, numerous interdiction classes, and full-time interdiction work in his area of responsibility, he noticed multiple indicators that, together, caused him to believe that a smuggling event was taking place. The agent notified the U.S. Department of Homeland Security Blue Lightening Operations Center in Gulfport, and all occupants were transported to the Gautier Police Department for initial processing.

5. HSI Gulfport special agents and task force agents responded to Gautier to interview the occupants. None of the nine occupants had proper identification documents and eight were

found to be illegally present in the United States. After interviewing all occupants, it was determined that the occupants were being smuggled from Houston, Texas, to different locations throughout the United States by the driver, Modesto Alvarado, and his brother-in-law, Jose Hernandez Reyes (a citizen of El Salvador). Hernandez Reyes was the renter of the leased vehicle and was riding in the front passenger's seat at the time of the traffic stop. Jose Hernandez Reyes and three other passengers were determined to have been lawfully deported or removed from the United States, and to have unlawfully returned to the U.S. after their removal.

6. In addition to driver, Modesto Alvarado, and vehicle renter Jose Hernandez Reyes, the seven other passengers in the vehicle were identified as the following: Rafael Gonzalez, a citizen of Mexico; Gerardo Peralta Eslama, a citizen of Mexico; Orbin Gomez Suarez (A.K.A. Nerlin Gomez), a citizen of Honduras; Jose Aldana Hernandez, a citizen of El Salvador; Martin Lucas Garcia, a citizen of Mexico; Milton Campos Chavez, a citizen of El Salvador; and Elias Delgado, a citizen of Guatemala. All nine, vehicle occupants were adults with no juveniles present.

7. At the HSI Gulfport office, it was determined through electronic database queries that Jose Hernandez Reyes had been previously deported or removed from the United States. Jose Hernandez Reyes was first encountered in the United States on or about December 2017, in the State of Texas, and was ordered removed on or about February 8, 2019. Jose Hernandez Reyes was physically removed from the United States on or about February 23, 2018, through or near Houston, Texas via air. Jose Hernandez Reyes again was encountered in the United States on or about April 17, 2018, in or near Laredo, Texas, and was removed from the United States on or about May 24, 2018, through or near Laredo, Texas, via air. Finally, Jose Hernandez Reyes again was encountered on or about December 4, 2019, in or near Gautier, Mississippi.

8. At the HSI Gulfport office, it was determined through electronic database queries that Orbin Gomez Suarez (A.K.A. Nerlin Gomez) had been previously deported or removed from the United States. Orbin Gomez Suarez was first encountered in the United States on or about September 18, 2017, in the State of New Mexico, and was ordered an expedited removal on or about October 2, 2017. Orbin Gomez Suarez was removed from the United States on or about October 25, 2017, through or near Phoenix, AZ via air. Orbin Gomez Suarez again was encountered on or about December 4, 2019, in or near Gautier, Mississippi.

9. At the HSI Gulfport office, it was determined through electronic database queries that Jose Aldana Hernandez had been previously deported or removed from the United States. Jose Aldana Hernandez was first encountered in the United States on or about July 2, 1999, in or around the New York, New York, Border Patrol Area of Responsibility and was ordered removed on or about November 12, 1999. Jose Aldana Hernandez was removed from the United States on or about March 22, 2019, through or Alexandria, Louisiana, to his home nation of El Salvador. Jose Aldana Hernandez again was encountered on or about December 4, 2019, in or near Gautier, Mississippi.

10. At the Gulfport Border Patrol Station, it was determined through electronic database queries that Elias Delgado Ortiz had been previously deported or removed from the United States. Elias Delgado Ortiz was encountered in the United States on or about November 15, 2019, in or around Laredo, Texas, and was ordered an expedited removal on or about November 17, 2019, through Laredo, Texas. Elias Delgado Ortiz again was encountered on or about December 4, 2019, in or near Gautier, Mississippi.

11. Jose Hernandez Reyes was interviewed by an HSI Special Agent and an HSI/Border

Enforcement Security Team (Best) Task Force Officer (who also is a Jackson County Sheriff's Deputy) with a fluent Spanish/English interpreter from the ICE language line translating to and from the Spanish language. Jose Hernandez Reyes was read his written Miranda Warning Rights in the Spanish language and was asked if he understood his rights. He waived his Miranda rights and his interview was video recorded.

Jose Hernandez Reyes admitted that he is an illegal alien to the United States, and told agents that he previously lived in Maryland, but now lives in Houston, Texas. He stated that he owns a business transporting people known as "Transs Express." He said he used to work for Uber, but there was too much competition, so he moved to Houston and started his own company. He stated that he advertises his business in the newspaper and on social media; and that he will transport people to South Carolina, Virginia, Maryland, and Atlanta, Georgia, for \$350.00 cash per person. Jose Hernandez Reyes said there are several other "companies" in Houston, Texas, who contact him for transportation services and once they have a vehicle-load of people, they will contact him. Finally, Jose Hernandez Reyes stated he had made five (5) trips transporting people from Houston, Texas, to other states and that Modesto Alvarado, is his brother-in-law.

12. Orbin Gomez Suarez was interviewed by an HSI Special Agent and an HSI Task Force Agent (who also is a Customs & Border Protection Agent) with a fluent Spanish/English interpreter from the ICE language line translating to and from the Spanish language. Orbin Gomez Suarez was read his written Miranda Warning Rights in the Spanish language and was asked if he understood his rights. Orbin Gomez Suarez waived his Miranda Rights verbally, as well as by signature on a Spanish language form.

Orbin Gomez Suarez stated is actual name is Nerlin Gomez Alvarado and he crossed into the United States illegally near Brownsville, Texas, in August 2019. Orbin Gomez Suarez (A.K.A. Nerlin Gomez Alvarado) stated he did not cross with a coyote and planned to go to Atlanta, Georgia, to work construction with his cousin. Finally, he stated that he paid the “company” Transs Express \$300.00 - \$400.00 for transportation to Atlanta, and had a business card of that company in his possession.

13. Jose Aldana Hernandez was interviewed by an HSI Special Agent and an HSI/BEST Task Force Officer (who also is a Jackson County Sheriff’s Deputy) with a fluent Spanish/English interpreter from the ICE language line translating to and from the Spanish language. Jose Aldana Hernandez was read his written Miranda Warning Rights in the Spanish language and was asked if he understood his rights. Jose Aldana Hernandez waived his Miranda Rights verbally, as well as by signature on a Spanish language form.

Jose Aldana Hernandez stated he paid a coyote \$200.00 to cross from Mexico into the United States at or near Laredo, Texas. Jose Aldana Hernandez said he made it to Houston, Texas, where he stayed in an abandoned house for approximately one week, and then with different people working daily jobs. Jose Aldana Hernandez said he was given a telephone number to call for transportation to Virginia (he has daughters in Connecticut) after he paid a guy \$400.00. Finally, Jose Aldana Hernandez said he was met at a gas station and got into the vehicle he was discovered in. When he go into the vehicle, there were already six people inside.

14. Modesto Alvarado, who is a U.S. Citizen and speaks fluent English, was interviewed by an HSI Special Agent and an HSI/BEST Task Force Officer (who also is a Jackson County Sheriff’s Deputy). Modesto Alvarado was read his written Miranda Warning Rights in the

English language, was asked if he understood his rights, and waived his Miranda Rights. His interview was video recorded.

Modesto Alvarado stated that he lives with his brother-in-law, Jose Hernandez Reyes, in Houston, Texas, and he was traveling to Maryland, with his brother-in-law, to “drop off people” and did not know the other passengers in the van; he only knew they were taking them to family members to work. Modesto Alvarado said this is the second time he has done this trip with his brother-in-law; the first time was in August and he was paid \$400.00. Modesto Alvarado stated they left Houston, Texas, at approximately 2100 hours Tuesday, after they started picking up the passengers from other random people and at several different apartment complexes. Finally, Modesto Alvarado said that they only stopped for fuel and they were traveling alone, with no other vehicles.

15. A review of record data bases indicated that none of the above referenced aliens had received lawful permission to enter the United States, and further, that those who had returned after being lawfully removed, had not received permission from the Attorney General of the United States or from the Secretary of the Department of Homeland Security to apply for readmission or to reenter the United States.

16. Based on the aforementioned facts and circumstances, your affiant believes there is probable cause that Jose Hernandez Reyes is in violation of Title 8, United States Code (USC), Section 1326(a)(2), Unlawful Return by an Alien After Deportation or Removal, and Title 8, USC Sections 1324(a)(1)(a)(ii) and (v)(I); Conspiracy to Illegally Transport or Move an Alien Within the United States.

17. Based on the aforementioned facts and circumstances, your affiant believes there is probable

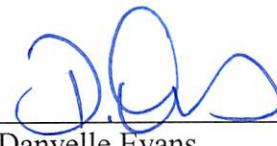
cause Orbin Gomez Suarez (A.K.A. Nerlin Gomez Alvarado) is in violation of Title 8, USC, Section 1326(a)(2), Unlawful Return by an Alien After Deportation or Removal.

18. Based on the aforementioned facts and circumstances, your affiant believes there is probable cause Jose Aldana Hernandez is in violation of Title 8, USC, Section 1326(a)(2), Unlawful Return by an Alien After Deportation or Removal.

19. Based on the aforementioned facts and circumstances, your affiant believes there is probable cause Elias Delgado Ortiz is in violation of Title 8, USC, Section 1326(a)(2), Unlawful Return by an Alien After Deportation or Removal.

20. Based on the aforementioned facts and circumstances, your affiant believes there is probable cause Modesto Alvarez is in violation of Title 8, USC, Sections 1324(a)(1)(a)(ii) and (v)(I); Conspiracy to Illegally Transport or Move an Alien Within the United States.

FURTHER, YOUR AFFIANT SAYETH NAUGHT.



Danyelle Evans
Special Agent
Homeland Security Investigations

Sworn to, and subscribed before me this,
the 6th day of December, 2019



Robert H. Walker
United States Magistrate Judge
Southern District of Mississippi